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Syria: Weighing the Obama Administration's Response

*House Committee on Foreign Affairs Congressional Hearing:
Excerpts of Remarks by Rep. Chris Smith
& Reply by Secretary of State John Kerry
September 4, 2013*

Representative Smith:

Thank you, Mr. Chairman.

A New York Times editorial yesterday, Secretary Kerry, said that it was “alarming” that President Obama did not “long ago put into place, with our allies and partners, a plan for international action.” Their word—alarming—that we have failed over the course over the last several years to do what ought to have been done. That’s a New York Times editorial—hardly a conservative newspaper.

I have three specific questions, and I would ask that you—to the best of your ability—answer all three.

Yesterday, Secretary Kerry, you testified that the Obama Administration wanted to make him—that is Assad I presume—regret the decision to use chemical weapons as he has done on August 21st and, as we all know, on previous occasions as well.

First question—do we have clear proof that Assad himself ordered it?

Second question—in an interview with Chris Wallace on Sunday, you said that “[a]ctually Chris, at the very instant the planes were in the air on Kosovo there was a vote in the House of Representatives and the vote did not carry.” That is true. The House of Representatives voted against force against Slobodan Milošević. Your term “very instant,” however, is certainly

an elastic term. The vote was a full month later. Clinton and NATO's bombing of Serbia began on March 24th and the House voted against it on April 28th.

During that time there were significant assurances from the Clinton Administration that the entire operation would be of short duration—very limited—and I know many had people had thought, including in Brussels at NATO headquarters that it would last just a few days. It lasted 78 days. Between 488-527 civilian deaths from the bombing occurred in Serbia, and significantly, Milošević's retaliation was the invasion of Kosovo, and that invasion killed about 10,000 people and put most Kosovar Albanians to flight. And I—like perhaps you and others—visited them as refugees in Macedonia.

How do you define “limited” and “short duration,” and what might Assad do in retaliation? And what contingency plans do we have if and when he attacks in other areas that we may not have anticipated?

And finally, I plan on introducing a resolution when Congress reconvenes to authorize the President to establish a specialized Court—the Syrian War Crimes Tribunal—to help hold accountable, all those on either side, including Assad, who had slaughtered and raped in Syria. I am wondering what you might think of that as well? Whether or not the Administration would support such a court?

We have learned lessons from the Special Court in Sierra Leone, we have learned lessons from the Rwandan Court, and certainly learned lessons from the Court in Yugoslavia. Establishment of such a court has to be immediate, and I think it could be a rallying point. You yourself said, Mr. Secretary, you would send them to jail. Well let's send them to jail. But killing people—and not targeting Assad himself—may be accountability. But I think there are other more humane and efficacious alternatives.

I yield.

Secretary Kerry:

Well Congressman, I actually didn't have time yesterday, because of our testimony, to read the New York Times editorial, but I'd like to read it.

There is a plan in place, the London Eleven, so called, have been working over some period of time—working internationally—last year Secretary Clinton joined in convening with the Russians and others a meeting in Geneva that resulted in the Geneva Communique which set up a process for transition in Syria and that is what we are currently pursuing now together with our allies and friends in this endeavor, and that includes France, Great Britain, Italy, Germany, the Emirates, Saudis and others. So there is an international effort, it's not working as well as we would have liked, it has had its impact yet fully. In addition to that, we have seen the President

take steps in response to the initial attacks of chemical weapons to increase lethal aid to the opposition, that is now known.

Rep. Smith:

I'm almost out of time—with all due respect—limited; short duration; special tribunal on war crimes for Syria?

Sec. Kerry:

I understand there have been conversations with Syrians and other countries about a special court. Perhaps we can have more luck with that, I would certainly welcome an effort to hold people accountable for those kinds of abuses, but as you know the international courts have not fared well with both parties.

Special Note:

Secretary Kerry did not answer the question on whether the United States had proof that Assad ordered the use of chemical weapons August 21st, nor did he answer Smith's question on what constitutes "limited" and "short duration."